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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,577	01/16/2002	Horst Rathert	70418	8660

7590 02/07/2005

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SCARBOROUGH STATION  
SCARBOROUGH, NY 10510-0827

EXAMINER
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PETERSON, KENNETH E

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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EXAMINER
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ART UNIT
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PAPER
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050201

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**Commissioner for Patents**

Applicant's appeal brief was received on 22 December 04, but it fails to comply with the requirements set forth in the paper mailed on 29 November 04.

The status of the claims is incorrect. Examiner did not reject all of claims 1-20. Most of those claims were withdrawn from consideration. See 37 CFR 41.37(c)(1)(iii).

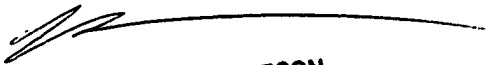
The brief contains a "grouping of claims" section, as per the pre-sep04 format. This is no longer required and could cause confusion.

In the arguments section, Applicant argues claims 6,7,11,17 and 18. These claims are withdrawn and cannot be appealed.

The Brief's copy of the appealed claims is incorrect. The withdrawn claims are not appealable and should not be included. See 37 CFR 41.37(c)(1)(viii).

To avoid dismissal of this appeal, Applicant must file a complete new brief in compliance with 37 CFR 41.37. The period of response continues to run from the mailing of the paper on 29 November 04.

In addition to the above, Applicant has submitted a proposed amendment. While this amendment may or may not overcome the rejections, it cannot be entered after the filing of an appeal brief, as per 37 CFR 41.33(b). To get this amendment entered, Applicant should cease appealing and file an RCE.

  
KENNETH E. PETERSON  
PRIMARY EXAMINER